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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* WILHELMUS HENDRIKUS ALFONSUS BRULS  
and EDUARD WILLEM SALOMONS

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Appeal 2008-0826  
Application 09/773,156  
Technology Center 2600

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Decided: June 5, 2008

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Before ANITA PELLMAN GROSS, MAHSHID D. SAADAT, and  
KARL EASTHOM, *Administrative Patent Judges*.

GROSS, *Administrative Patent Judge*.

DECISION ON APPEAL  
STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from the Examiner's Final Rejection of claims 1 through 12, which are all of the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

Appellants' invention relates to a video encoder which encodes images either in a first resolution based on a reference image having the first resolution or in a second lower resolution based on two reference images of

the second resolution. *See generally* Spec. 1:26-2:6. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A video encoder for encoding images in a first resolution mode with reference to a reference image having said first resolution, the encoder comprising:

a memory for storing said reference image with said first resolution; and control means:

for selectively encoding said images in a second, lower resolution mode with reference to two reference images having said second resolution, and

for also storing said two reference images with the second resolution in said memory.

The prior art references of record relied upon by the Examiner in rejecting the appealed claims are:

Yonemitsu	US 5,485,279	Jan. 16, 1996
Timmermans	US 5,543,925	Aug. 06, 1996

Claims 1 through 12 stand rejected under 35 U.S.C. § 103 as being unpatentable over Yonemitsu in view of Timmermans.

We refer to the Examiner's Answer (mailed May 14, 2007) and to Appellants' Brief (filed January 19, 2007) for the respective arguments.

#### SUMMARY OF DECISION

As a consequence of our review, we will affirm the obviousness rejection of claims 1 through 12.

OPINION

Appellants contend (Br. 7-8 and 12-13) that Timmermans is related to retrieving and playing back pre-encoded pictures and, therefore, not combinable with Yonemitsu, which is related to ending images. Appellants further contend (Br. 10-11) that Timmermans discloses storing images of different resolutions in a data base medium or record carrier (i.e., a compact disc), rather than the claimed memory. The Examiner asserts (Ans. 4-5) that Timmermans discloses that multiple resolutions can be stored in one memory file, and that it therefore would have been obvious to use a single memory in Yonemitsu for the different resolutions "for reducing costs and improving efficiency during the encoding and decoding." The issue before us, therefore, is whether using a single memory for both the low and high resolution images in Yonemitsu would have been obvious in view of the teachings of Yonemitsu and Timmermans.

Timmermans discloses (col. 7, ll. 36-41) storing a picture coded by a number of different resolutions. Timmermans further discloses (col. 17, ll. 9-25) storing picture information in a picture memory 255. Timmermans discloses (col. 17, l. 64-col. 18, l. 4) that the picture memory may be filled first with a low resolution representation of a picture and then be overwritten by a higher resolution representation of the picture. Thus, Timmermans indicates that information may be stored at two different resolutions in the same memory by overwriting one with the other. Yonemitsu shows (Figures 16-23) two separate memories, one for full resolution and the other for quarter resolution. It would have been obvious in view of Timmermans to use a single memory for the two different resolutions, as pictures are encoded and stored in only one resolution at a time in Yonemitsu, similar to

Timmermans. Eliminating one of the memories in Yonemitsu would have the obvious benefit of lowering the cost.

Regarding Appellants' argument that Timmermans is not combinable with Yonemitsu because it is related to retrieving and playing back of pre-encoded pictures instead of ending images, columns 17 and 18 Timmermans relate to storage of encoded images in a picture memory. Further, although the portion of Timmermans relied upon by the Examiner discusses storing the multiple representations of an image on a compact disc, columns 17 and 18 suggest that two different resolutions can be stored in the same memory. Therefore, we are unpersuaded by Appellants' arguments, and we will sustain the rejection of claims 1 through 12 over Yonemitsu in view of Timmermans.

#### ORDER

The decision of the Examiner rejecting claims 1 through 12 under 35 U.S.C. § 103 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

#### AFFIRMED

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